

A DIGEST
OF THE
LAWS OF TEXAS:
CONTAINING THE LAWS IN FORCE,
AND
THE REPEALED LAWS
ON WHICH RIGHTS REST,
FROM 1754 TO 1874,
CAREFULLY ANNOTATED.

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TITLE XI.—OF OFFENSES AGAINST THE PUBLIC PEACE.

Arts. 1984-1995.

CHAPTER I.—UNLAWFUL ASSEMBLIES.

AN ACT TO AMEND THE PENAL CODE FOR THE STATE OF TEXAS.

6 Nov., 1871; took effect from passage. Vol. 21, part 3, p. 19. Art. 1993.

ART. 6508. [1] The penal code for the state of Texas [shall] be amended as follows, by inserting after article 363 the following: [363a] If the purpose of the unlawful assembly be to alarm and frighten any person or persons, by appearing in disguise, so that the real persons so acting and assembling cannot be readily known, and by using language or gestures calculated to produce in such person or persons the fear of bodily harm, all persons engaged therein shall be punished by fine not less than one hundred dollars nor more than one thousand dollars each; and if such unlawful assembly shall take place at any time of the night, that is, between sunset and sunrise, the fine shall be doubled; and if three or more persons are found together disguised, and armed with deadly weapons, the same shall be *prima facie* evidence of the guilty purpose of such persons, as above described; and if any other unlawful assembly mentioned in this chapter consist in whole or in part of persons disguised and armed with deadly weapons, the fine to be assessed upon each person so offending shall be double the penalty hereinbefore prescribed.

Unlawfully appearing in disguise as Ku-klux, White Camellias, and other devil-try, punished. Arts. 7030-7036.

If at night, double punishment.

Three or more together. *Prima facie* evidence.

CHAPTER III.—AFFRAYS AND DISTURBANCES OF THE PEACE.

Arts. 2011-2013.

AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS IN CERTAIN PLACES THEREIN NAMED.

12 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 210.

ART. 6508a. [1] It shall not be lawful for any person to discharge any gun, pistol, or firearms of any description whatever, on, or across any public square, street, or alley, in any city or town in this state: *Provided*, This act shall not be so construed as to apply to the "outer town," or suburbs, of any city or town.

Discharging firearms within municipal limits made unlawful;

ART. 6508b. [2] Any person who shall discharge any firearms, in violation of the provisions of the first section of this act, shall be deemed guilty of disturbing the public peace, and on conviction thereof, before any court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, to be recovered as other fines and penalties.

and punished, as disturbance of the peace, by fine not exceeding \$100.

AN ACT TO AMEND ARTICLE 382, TITLE XI, CHAPTER 3, OF THE PENAL CODE.

26 Oct., 1866; took effect from passage. Vol. 20, p. 60.

ART. 6509. [1] Article 382, title XI, chapter III, of the penal code, shall hereafter read as follows: If any one or more persons shall, in any public place, by loud and vociferous talking, swearing, or rudely displaying any pistol, or other deadly weapon, so as to disturb the inhabitants of the place in the prosecution of their lawful business, any person engaged in such disturbance shall be fined in any sum not exceeding fifty dollars.*

Disturbance of the peace, &c., by quarreling. Art. 2012.

Fine not to exceed \$50.

AN ACT TO PROHIBIT THE CARRYING OF FIREARMS ON PREMISES OR PLANTATIONS OF ANY CITIZEN WITHOUT THE CONSENT OF THE OWNER.

6 Nov., 1866; took effect 13 Jan., 1867. Vol. 20, p. 90.

ART. 6510. [1] It shall not be lawful for any person or persons to carry firearms on the inclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county

Carrying firearms an offense.

\$10 fine, or ten

* 1330a. This is sufficiently certain and complete. *Sisk v. The State*, 35 Tex., 496.

days' imprisonment.

jail nor less than one day nor more than ten days, or both, in the discretion of the court or jury before whom the trial is had.

12 Aug., 1870; took effect 12 Oct., 1870. Vol. 21, part 1, p. 63. Persons not to bear arms at public assemblies. Social intercourse and elections not to be made dangerous.

AN ACT REGULATING THE RIGHT TO KEEP AND BEAR ARMS.

Art. 6512.

Kinds of weapons prohibited.

Fine \$50 to \$500. Notes, 111, 167.

Scalp-lifting country excepted.

Armed officials.

ART. 6511. [1] If any person shall go into any church or religious assembly, any school-room or other place where persons are assembled for educational, literary, or scientific purposes, or into a ball-room, social party, or other social gathering, composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk, or butcher-knife, or firearms, whether known as a six-shooter, gun, or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same: *Provided*, That nothing contained in this section shall apply to locations subject to Indian depredations: *And provided further*, That this act shall not apply to any person or persons whose duty it is to bear arms on such occasions in discharge of duties imposed by law.

12 April, 1871; took effect 12 June, 1871. Vol. 21, part 2, p. 25. Carrying arms a misdemeanor, punishable by fine and forfeiture, unless, &c. Patriots and militiamen excepted. Art. 6511.

[This section is constitutional. *English v. The State*, 35 Tex., 474.]

Fine \$25 to \$100 for first offense.

Imprisonment for second offense. Notes 111, 167.

People at home and officials excepted.

[Carrying weapons to and from market is within the proviso. *Waddell v. The State*, 37 Tex., 356. But carrying a pistol hog hunting in the woods is not within the exception. *Baird v. The State*, 39 Tex., 609.] Art. 6512. Justification must be immedi-

AN ACT TO REGULATE THE KEEPING AND BEARING OF DEADLY WEAPONS.

ART. 6512. [1] Any person carrying on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purpose of offense or defense, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the state, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and, on conviction thereof, shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fines imposed and collected shall go into the treasury of the county in which they may have been imposed: *Provided*, That this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the state from keeping or carrying arms with their baggage: *Provided further*, That members of the legislature shall not be included under the term "civil officers" as used in this act.

ART. 6513. [2] Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was